

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ANTONIO LEE,

Petitioner

v.

WARDEN BALTAZAR,

Respondent

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CIVIL NO. 4:17-CV-17-315

(Judge Brann)

**ORDER**

April 18, 2017

In accordance with the accompanying Memorandum, **IT IS HEREBY**

**ORDERED THAT:**

1. Petitioner's request to proceed in forma pauperis is **GRANTED.**
2. Lee's habeas corpus petition is **DISMISSED WITHOUT PREJUDICE.**
3. Petitioner may file a section 2255 motion in the Middle District of Tennessee, or if appropriate, seek authorization from the United States Court of Appeals for the Sixth Circuit for leave to file a second or successive § 2255 petition.

4. The Clerk of Court is directed to **CLOSE** this case.
5. Based on the Court's conclusion herein, there is no basis for the issuance of a certificate of appealability.

BY THE COURT:

s/ Mathew W. Brann  
Matthew W. Brann  
United States District Judge